

**REMARKS**

Claim 5 is pending in the application. Claim 5 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Patel (U.S. Patent No. 3,833,817).

**I. REJECTION UNDER 35 U.S.C. § 102**

**Rejection of claim 5 under 35 U.S.C. § 102(b) as being anticipated by Patel (U.S. Patent No. 3,833,817)**

The Examiner rejected Applicants' claim 5 under 35 U.S.C. § 102(b) as being anticipated by Patel, U.S. Patent No. 3,833,817 ("Patel"). Office Action at page 2. Applicants respectfully traverse.

To properly maintain a rejection under § 102, the Examiner must show that each and every limitation of the claim of the present invention is anticipated by the alleged prior art. *In re Bond*, 15 USPQ2d 1896 (Fed. Cir. 1991). The cited reference does not teach each and every element of claim 5.

Applicants claim "an HMI ballast comprising a split mode operation wherein the ballast operates as an inverter part of the time and operates as a direct converter part of the time." Patel relates to a DC-AC converter as "an inductively coupled free-running multivibrator designed to provide a square wave output which reduces power losses in the converter output transistors and thus improves the converter efficiency." Patel at col. 4, lines 52-56. Patel does not teach an HMI ballast that uses "a split mode operation wherein the ballast operates as an inverter part of the time and operates as a direct converter part of the time."

Patel relates instead to a converter with power coming from a separate ballast under AC operation and power coming from an inverter under DC operation. Patel states that "normal mode of operation of the system and power to the lamp 6 is then derived from the AC input terminals via ballast 5." *Id.* at col. 4, lines 26-28. Patel also relates to a system that "operates to supply emergency lighting power to lamp 6 whenever a DC voltage is supplied to line 18 from battery 7 via transistor T<sub>2</sub>, as previously described." *Id.* at col. 5, lines 12-16. In contrast, Applicants' claim 5 defines a single common converter with "*an HMI ballast comprising a split mode operation wherein the ballast operates as an inverter part of the time and operates as a direct converter part of the time*" (emphasis added). Notably, Patel uses the ballast

only during AC operation "as long as the AC power is available at input terminals" to energize the discharge lamp. Id. at col. 2, lines 65-68; col. 3, lines 1-2. Patel does not teach use of the ballast during DC operation, and thus, Patel does not anticipate claim 5.

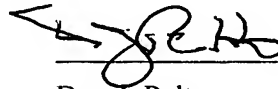
Accordingly, Applicants respectfully request reexamination of the present rejection.

### CONCLUSION

Applicants have properly stated and traversed each of the Examiner's grounds for rejection. Applicants submit that the present application is now in condition for allowance.

If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited. If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,



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